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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,490	07/23/2003	Ralf Vierich	08005.0010	7823

51871 7590 01/08/2009

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ART UNIT	PAPER NUMBER
2168	

MAIL DATE	DELIVERY MODE
01/08/2009	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/624,490
Filing Date: July 23, 2003
Appellant(s): VIERICH, RALF

Vierich, Ralf
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/17/2008 appealing from the Office action mailed 2/19/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2004/0034615	Thompson et al.	2-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 41 – 44 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.

For a system to be a physical object, at least one recited element in the claim must be hardware. If all elements would have been reasonably interpreted in light of the specification by one of ordinary skill as software alone, the claim is directed to software per se and is non-statutory. Note that claim 41 is a "system" claim, rather than a "method" claim.

Even if the recited elements reflect practical application, they are, at best, functional descriptive material. In order to realize these functions, the "system" claim must recite at least one hardware which enables the functional descriptive material to be truly functional. For example, inclusion of a computer processor and or readable storage medium in the claim would generally overcome the aforementioned deficiency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 32 – 48 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication Number 2004/0034615 issued to Thompson et al. (hereinafter "Thomson").

Regarding claim 32, THOMPSON discloses,

A method for navigating from a source report to a target report in a business intelligence application, the method comprising the steps of:

providing a parameter for an item, the parameter defining an input or an output to a drill-through source of a drill-through target (paragraph 62 lines 2 - 5, et seq.);

establishing a parameter mapping between the parameter and the item, the parameter mapping context elements from the drill-through source to the item (paragraph 57 lines 8 – 12, et seq.);

defining a drill-through path from the drill-through source to the drill-through target, the drill-through path including the parameter mapping (paragraph 11 lines 10 – 12, paragraph 14 lines 3 – 7, paragraph 57 lines 8 – 12, et seq.); and

applying the context of the drill-through source to the drill-through target (page 21 lines 4 – 7, paragraphs 38 – 39, paragraph 57 lines 8 – 12, paragraph 105, et seq.).

Regarding claim 33, THOMPSON discloses the parameter mapping includes a mapping function (paragraph 57 lines 8 - 12, paragraph 119 lines 4 - 6, paragraphs 144 - 165: various mapping functions, et seq.).

Regarding claim 34, THOMPSON discloses the mapping function is selected from a group consisting of: translating data during drill-through operation, converting data during drill-through operation, and selecting a conversion using the parameter

(paragraph 57 lines 8 – 12, paragraph 13 lines 1 – 4, paragraph 131 lines 12 – 14, et seq.).

Regarding claim 35, THOMPSON discloses the item represents a member selected from a group consisting of: a report column, a second parameter, a drill-through source, and a drill-through target (paragraph 62 lines 2 – 6, et seq.).

Regarding claim 36, THOMPSON discloses accepting a request from a user and translating the request into the drill-through path (paragraphs 56 – 57; 60 – 61, paragraph 65 lines 1 - 2, et seq.).

Regarding claim 37, THOMPSON discloses the translating step includes the steps of:

creating a list of parameters from the drill-through source and the drill-through target (paragraph 107 line 1, paragraph 110 line 8, et seq.);

for each source parameter originating from the drill-through source, determining a collectable parameter mapping that maps the parameter to the drill-through target (paragraphs 153 - 154, et seq.);

collecting the collectable parameter as the drill-through path (paragraphs 153 – 154, et seq.);

creating respective parameter mapping from the drill-through source to the drill-through target for each potential parameter mapping terminating at the same target parameter (paragraphs 110 – 111; 119; 153 – 154, et seq.).

Regarding claim 38, THOMPSON discloses the drill through source is selected from a group consisting of: report, model, and cube (Figure 5, paragraphs 13 – 17; 51 – 52, et seq.).

Regarding claim 39, THOMPSON discloses the drill-through target is selected from a group consisting of: report, model and cube (Figure 5, paragraphs 13 – 17; 51 – 52, et seq.).

Regarding claim 40, THOMPSON discloses the drill-through path is defined by a Uniform Resource Locator (URL) (paragraphs 93 and 118, et seq.).

Claims 41 – 44 are essentially the same as claims 32 – 35 except they set forth the limitations as a "system" rather than a "method," and therefore rejected based on the same rationale discussed in claims 32 – 35 rejections.

Claims 45 – 48 are essentially the same as claims 32 – 35 except they set forth the limitations as a "storage readable medium" rather than a "method," and therefore rejected based on the same rationale discussed in claims 32 – 35 rejections.

(10) Response to Argument

Appellant's arguments have been fully considered but they are unpersuasive.

Appellant mainly argued the following:

1. Thompson fails to teach or suggest "providing a parameter for an item, the parameter defining an input or an output to a drill-through source or a drill-through target."

2. Thompson fails to teach or suggest "establishing a parameter mapping between the parameter and the item, the parameter mapping context elements from the drill-through source to the item."

3. Thompson fails to teach or suggest "defining a drill-through path from the drill-through source to the drill-through target, the drill-through path including the parameter mapping."

4. Thompson fails to teach or suggest "applying the context of the drill-through source to the drill-through target."

5. 35 USC 101 rejections of claims 41 – 44 need to be withdrawn since claim 41 is directed to practical application.

Examiner respectfully traverses the Appellant's arguments for the following reasons:

It is noted that the Examiner is entitled to give the claim limitations the broadest reasonable interpretation, in light of the specification. If the appellants want to give narrower interpretation to the claim limitations, the specifics of the narrower interpretation need to be explicitly recited within the claim.

1. Thompson clearly discloses providing a parameter (paragraph 62: query item in the source report → selecting data and values of interest in the originating report/query) for an item (paragraph 62: inputs of the target → the user is presented with a list of target reports from which the user selects one or more reports to execute drill-through command), the parameter defining an input or an output to a drill-through

source or a drill-through target (paragraph 62: selecting data and values of interest in the originating report/query).

2. Thompson clearly discloses establishing a parameter mapping between the parameter and the item, the parameter mapping mapping context elements from the drill-through source to the item (Abstract: by using context and translation map, which define specifics of the translation between contexts against different data sources, the invention is able to achieve a mapping engine that can effectively map data between databases of different types, paragraph 17: the originating context is translated to the target context, and is used to accurately map data from one presentation to another, paragraph 57: mapping context elements from the source to the item/target → translating the extracted context from the originating report into the context for the target, paragraph 64: mapping context elements from the source to the item/target → translates from the extracted context into an equivalent translated drill data for the target, paragraph 66: mapping context elements from the source to the item/target → UDS as transparent bridge between originating and target reports).

3. Thompson clearly discloses defining a drill-through path from the drill-through source to the drill-through target, the drill-through path including the parameter mapping (the parameter mapping discussed above (mapping data between databases of different types, connecting/relating the item in the source to the item in the target, etc.) suggests the presence of the drill-through path, as the claim recites that the drill-through path includes the parameter mapping).

4. Thompson clearly discloses applying the context of the drill-through source to the drill-through target (paragraph 17: the originating context is translated to the target context, and is used to accurately map data from one presentation to another, paragraph 21: translating the first context into a second context and using the second context to identify a second data item associated with the first data item, paragraph 57: translating the extracted context from the originating report into the context for the target, paragraph 64: translates from the extracted context into an equivalent translated drill data for the target).

5. For a system to be a physical object, at least one recited element in the claim must be hardware. If all elements would have been reasonably interpreted in light of the specification by one of ordinary skill as software alone, the claim is directed to software per se and is non-statutory. Note that claim 41 is a "system" claim, rather than a "method" claim.

Even if the recited elements reflect practical application, they are, at best, functional descriptive material. In order to realize these functions, the "system" claim must recite at least one hardware which enables the functional descriptive material to be truly functional. For example, inclusion of a computer processor and or readable storage medium in the claim would generally overcome the aforementioned deficiency.

For the foregoing reasons, 35 USC 101 rejections of claims 41 – 44 and 35 USC 102 (e) rejections of claims 32 – 48 need to be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Sangwoo Ahn

/Sangwoo Ahn/

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